

### **REMARKS**

The Office Action dated July 20, 2006, has been received and carefully reviewed. In response the following is provided. Applicants have amended claims 1, 3-6, 8, 9, cancelled claim 2, and added new claim 12.

### **THE OFFICE ACTION**

The Examiner objected to claims 1 and 8 because of the informality of the use of the word "injectate".

The Examiner rejected claims 5-7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out indistinctly claim the subject matter which Applicants regard as the invention.

Claims 1, 2-4, and 9-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Pearson et al. (U.S. 4,974,756).

The Examiner next rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Pearson et al. in view of Heusser et al. (U.S. 6,161,730).

The Examiner determined that claims 5-7 included allowable subject matter and would be allowed if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth above and to include all the limitations of the base claim and any intervening claims.

### **CLAIM OBJECTIONS**

The Examiner objected to claims 1 and 8 because of the use of the word "injectate". Applicants in the present amendment have replaced the word "injectate" with "fluid".

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

The Examiner rejected claims 5-7 due to the parentheses around the word “incomplete”. Applicants in the present amendment have removed the parentheses around the word “incomplete”.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §102**

The Examiner rejected claims 1, 2-4, and 9-11 as being anticipated by Pearson et al. The Examiner opined that Pearson et al. shows an attachment 14 and a locking clip 38.

Applicants have amended independent claim 1 by including limitations as follows:

the cartridge having at least two axially parallel, adjacently arranged fluid chambers having separate outlet openings;

the locking clip including incomplete rings joined to one another by at least one rib-like element therebetween;

each incomplete ring engaging around a separate outlet opening; and,

the locking clip including resilient arms projecting from the incomplete rings wherein each resilient arm of one incomplete ring projecting in the direction towards the other incomplete ring.

Pearson does not include a locking clip having incomplete rings drawn to one another by at least one rib-like element therebetween. Further, independent claim 1 recites that each incomplete ring engages around a separate outlet opening and further that the locking clip includes resilient arms projecting from the incomplete rings wherein each resilient arm of one incomplete ring projects in the direction towards the other incomplete ring. The aforementioned structures are not

anticipated nor made obvious by Pearson et al. Applicants submit that the pending independent claim 1, and all claims dependent therefrom, are not anticipated by Pearson et al. for at least the reasons set forth above, and are allowable over this record art. Applicants accordingly request reconsideration and allowance thereof.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

The Examiner rejected claim 8 as being unpatentable over Pearson et al. in view of Heusser et al. The Examiner stated that Pearson lacks the attachment of a mixer tip but that Heusser et al. shows an attachment of a mixer tip. The Examiner further stated that it would have been obvious to one of ordinary skill in the art to have substituted the Pearson et al. attachment with a mixer tip as taught by Heusser et al.

There is no motivation or suggestion to combine Pearson et al. with Heusser et al. Furthermore, Heusser et al. teaches away from Pearson et al. In particular, Heusser et al. describes in column 2, lines 11-24 the distinguishing elements of Heusser et al. with respect to prior art. Heusser et al. describes in the prior art (U.S. Patent No. 5,413,253) that the coupling on means comprises a bayonet lock. For the transition piece a predetermined orientation is to be observed with respect to this lock. In another reference to the prior art, Heusser et al. describes patent EP A-0723807 as having a predetermined orientation which is required with respect to the mixer structure chosen. Heusser et al. distinguishes the assembly of the apparatus in accordance with his invention as having a transition piece which can be inserted into the transition part in any desired rotational position with respect to the housing and with respect to the coupling on means. "Thus, special measures and process steps with respect to the orientation of the transition piece such as are required in the known apparatuses are omitted. Thanks to the simplification, the manufacturing costs are reduced". Referring now to Pearson et al., and in particular column 3, lines 59-67. Pearson et al. recites "each of the orienting sections 48 is located to one side of the reference line 50 (Fig. 2) passing through the center of the cap 14.

Likewise, the recesses 30 are asymmetrically positioned and are located on one side of a reference plane passing perpendicularly through the center of the barrier 26. As a consequence, the orienting sections will slide in the recesses 30 only if the portion 32 is directly over the first outlet 22 and the portion 34 is directly over the second outlet 24”.

“When the closure portions 32, 34 are not first aligned with the outlets 22, 24 respectively, a pair of transverse shoulders 29 will block advancement of the sections 48 and will prevent the cap 14 from being coupled to the container 12”. (Column 4, lines 1-5) As such, Pearson et al. requires precise alignment of the cap to the container. Thus, neither Pearson et al. nor Heusser et al., either singly or in combination anticipate or make obvious the recited structures in amended claim 8. Applicants request reconsideration and withdrawal of the Section 103 rejection of claim 8 and allowance thereof.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner indicated that claims 5-7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 and also to include all of the limitations of the base claim and any intervening claims.

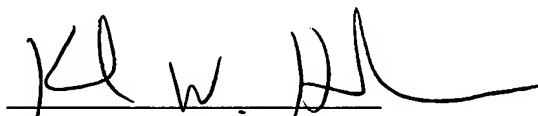
Applicants in the present amendment have rewritten claims 5-7 to overcome the rejections UNDER 35 U.S.C. §112 and also to include all the limitations of the base claim and any intervening claims. Applicants now believe that claims 5-7 are in condition for allowance.

## CONCLUSION

Each issue raised in the Office Action dated July 20, 2006 has been addressed. Applicants believe all remaining claims are in condition for allowance, and respectfully request notice thereof. Applicant's attorney can be reached at the telephone number below if any further information is needed.

Respectfully Submitted,

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